

## VI. Summary of Primary Considerations Raised in Opposition and in Support:

Date	Type	Number	Comment	Response
02/08/02	Oral	1	Strong support for the Preferred Alternative.	Comment Noted
02/08/02	Oral	2	The science is not clear. What are the goals of the project? Can the same be accomplished with regulations?	The project goals and objectives are listed in the Initial Statement of Reasons and are in concordance with those in the Marine Life Protection Act (MLPA). These goals include providing for ecosystem biodiversity, representing habitats, helping to sustain fisheries, and providing for education, research and recreation in minimally disturbed habitats. None of these goals is addressed to the same degree with existing regulations. See also response 11 regarding science.
02/08/02	Oral	3	The Preferred Alternative is the minimum necessary.	Comment Noted
02/08/02	Oral	4	The Sportfishing Association of California prefers the no project alternative or the alternative to role the decision into the MLPA.	<p>The No Action Alternative would not achieve project goals and objectives because it would result in the continuation of current habitat and population trends. As noted in the PFMC Phase I Technical Analysis of marine reserves (Parish et al. 2001), the estimated biomass of the majority of West Coast groundfish species have long-term downward trends. This is also true for some other species. For example, since 1985, abundances of harvestable red urchins (<i>Strongylocentrotus franciscanus</i>) have declined by 1% per year at fished sites on Santa Rosa and San Miguel Islands relative to non-fished reserve sites on Anacapa Island (S. Schroeter &amp; D. Reed, analysis of NPS data). The commercial fishery for rock crab (<i>Cancer</i> spp.) has localized effects on crab abundance and size. Crab fishing areas intensively exploited over an extended period show a lower catch-per-trip and reduced size frequency distribution compared to lightly exploited areas (Leet et al. 2001). Very little is known about the long term status of many other stocks, including certain invertebrates and nearshore rockfish. Effective management of marine fisheries must take into account uncertainties about the status of stocks and the entire ecosystem supporting them, which is an integral component of the preferred alternative as recommended by the Department. The failure to take such an approach, in the Department's view, is to compromise ongoing efforts to rebuild overfished stocks and avoid other management actions that could have dramatic negative consequences for the fisheries.</p> <p>The impacts of deferring any Commission action regarding MPAs in the Sanctuary to the ongoing MLPA process are unknown. Because this process could result in either the status quo (same as No Action) or new MPAs, it is not possible to predict potential environmental impacts. Certainly, deferral is not contemplated in the MLPA. The act, as noted in previous responses to comments, states that it is not intended to restrict any existing authority of the Department or the Commission to make changes to improve the management or design of existing MPAs or designate new MPAs. The preferred alternative falls squarely into this category.</p>

Date	Type	Number	Comment	Response
				Deferring any action to the MLPA process could diminish the benefits and dilute the high level of local involvement and input that occurred during the planning of the preferred alternative. From a socioeconomic standpoint, the potential economic impacts to local harbors and communities – and, more importantly, to local individuals as expressed during the planning process – may be diluted by the overall economy of California. Further, an incremental approach would not necessarily avoid socioeconomic impacts to recreational fishing, but would only draw them out. Finally, the Department believes that deferring any action to the MLPA process will not achieve project goals and objectives to the same degree as the preferred alternative.
02/08/02	Oral	5	Requests a change in the range of alternatives to minimize short term impacts equitably across consumptive user groups.	The Department disagrees. One of the goals of the project suggests minimizing short term impacts. This goal, however, must be balanced by the other goals of ecosystem biodiversity and sustaining fisheries. Project-related social and economic impacts, however, are not environmental impacts for purposes of CEQA. Accordingly, no economic mitigation to impacted fisheries is required. This policy issue is more appropriately addressed through the FMP process of the MLMA.
02/08/02	Oral	6	Supports the Preferred Alternative.	Comment Noted
02/08/02	Oral	7	The entire State should be looked at together. This decision should be rolled into the MLPA process.	See Comment 4
02/08/02	Oral	8	The range of alternatives should be expanded to include a map that minimizes short term impacts equitably across consumptive user groups.	See Comment 5
02/08/02	Oral	9	The Preferred Alternative is the best compromise that works.	Comment Noted
02/08/02	Oral	10	Based on the information provided the commenter cannot make a decision. The process was not all encompassing. It appears the commenter would prefer to defer decision to the MLPA process.	See Comment 4

<b>Date</b>	<b>Type</b>	<b>Number</b>	<b>Comment</b>	<b>Response</b>
02/08/02	Oral	11	The existing reserves in California do not support the scientific theory that MPAs will have wide spread benefits.	The Department feels this is due to the relatively small size and scope of existing MPAs. The Department rejects the implied assertion that absolute scientific certainty is necessary before the Commission takes action with respect to the preferred alternative. Neither the MLPA nor any other legal authority mandates such an approach. In fact, the MLPA expressly contemplates and requires use of the "best readily available science" and the Draft ED adheres to such a standard. In the absence of location-specific empirical evidence, scientific theory and theoretical studies form the basis of best readily available science. Because there is little location-specific empirical evidence, the best readily available science regarding the preferred alternative, alternatives and their respective effects is grounded in sound scientific theory and theoretical analysis. Moreover, one of the reasons underlying the MLPA to establish MPAs in the first place is to obtain environmental "baseline information" and "and to establish environmental reference points." For this reason, the MLPA expressly contemplates the application of "adaptive management" in areas of scientific uncertainty as a framework to adjust management actions in response to monitoring, research and data indicating the need for such changes.
02/08/02	Oral	12	The economic impact analyses overestimate potential losses, they do not account for potential benefits.	The Department disagrees that the estimates for short term economic costs are overstated and long-term benefits understated. The Draft Environmental Document for the preferred alternative clearly describes potential benefits. The June 2002 Pacific Fishery Management Council action to close fishing on the continental shelf for groundfish species will reduce the economic impacts of MPAs on groundfish fisheries in the same region. This is particularly true of the rockfish fisheries. The Department feels, however, that a complete reassessment of potential economic impacts is both infeasible and unnecessary at this time. The existing analysis is based on long term averages that would not be drastically altered by a short-term change in activities. It would also be difficult to estimate changes in use patterns because the shelf closure only recently occurred. Finally, the detailed economic analysis is provided as additional information to inform the decision makers. It is a comparative analysis of the alternatives and the socioeconomic impacts of each alternative would be reduced proportionately. Thus, the overall comparison is not likely to change. Because the shelf closure is a fisheries management regulation that may be modified or removed based on annual stock assessments, the Department does not feel the long-term benefits of the preferred alternative are altered.
02/08/02	Oral	13	Supports the no-project alternative.	The Department feels the No Action Alternative would not meet the goals and objectives of the Preferred alternative. In particular the MRWG and MLPA goals of protecting representative habitats and ecological processes, maintaining areas for cultural and natural heritage and providing for education and research within MPAs cannot be met using existing regulations. These goals require spatially explicit areas protected from all extractive use for sustained time periods which can not be provided by existing regulations. See also Response to Comment 4.

<b>Date</b>	<b>Type</b>	<b>Number</b>	<b>Comment</b>	<b>Response</b>
02/08/02	Oral	14	The Preferred Alternative is the minimum necessary.	Comment Noted
02/08/02	Oral	15	MPAs would take away people's right to fish.	The Department disagrees. There is no authority for the proposition that a constitutional "recreational preference" governs marine resource management decisions. The provision of the California constitution to which the commenter refers has been considered by the courts in the context of both recreational and commercial fishing. Further, the California Supreme Court has ruled that the power to regulate fishing has always existed as an aspect of the inherent power of the Legislature to regulate the terms under which a public resource may be taken by private citizens. This regulatory power applies to both recreational and commercial fishing; both the MLPA and the MLMA contemplate regulation of commercial and recreational fishing without expressing a preference for either. Nevertheless, the Draft ED and the preferred alternative do not place a higher priority on marine reserves and commercial fishing, as compared to recreational anglers. The preferred alternative, for example, includes areas where certain recreational activities (e.g., lobster diving or pelagic fishing) are allowed while commercial activities are not. In this respect, the Department is recommending this and other pro-recreational angler components of the preferred alternative because the Department believes that recreational activities in certain specific areas are not contrary to the purpose of these individual sites. Moreover, the preferred alternative is intended and designed to provide sustainable fishery and marine resources in the long term, which will necessarily benefit recreational anglers generally, including in areas outside MPAs.

Date	Type	Number	Comment	Response
02/08/02	Oral	16	If MPAs are necessary they should be small, the commenter opposes large closures.	<p>The comment reflects a desire to start small, potentially phasing in larger MPAs in the future. Phasing is discussed in the Initial Statement of Reasons for Regulatory Action and in Alternative 2 (the "Proactive Fishermen's Plan") as Attachment 8 to that document. Phasing, however, is not required by the MLPA. The act provides, in fact, that it is not intended to restrict any existing authority of the Department or the Commission to make changes to improve the management or design of existing MPAs, or to designate new MPAs. Phasing, as a result, is neither required nor prohibited by the MLPA.</p> <p>The Department is not recommending phasing of the preferred alternative to the Commission for several reasons. First, some de facto phasing occurs as a natural consequence of program implementation: first by the Fish and Game Commission (for actions in state waters), and then later, by the CINMS (for actions in federal waters). Second, phasing can occur if the Fish and Game Commission decides to implement some portions of the plan before others. Third, phasing would not alter the final impacts to the environment of the whole project, although it could delay socioeconomic impacts over time. Fourth, phasing might add another layer of complexity to the implementation of monitoring, research, and evaluation activities, as well as to the generation of baseline information. Also, phased or incremental approach to implementation would not necessarily avoid socioeconomic impacts to recreational and commercial fishing, but would only draw them out. Most importantly, delays in implementing the MPAs would delay the realization of environmental benefits flowing from such MPAs.</p>
02/08/02	Oral	17	The Preferred Alternative is the minimum necessary.	Comment Noted
02/08/02	Oral	18	Problems are being caused by pollution. The boats operating out of Ventura would be unnecessarily impacted by the proposed regulations.	<p>The Department disagrees. Pollution is not the only cause of declines in marine resources. This is particularly demonstrated in the project area, which lies at a minimum 15 miles from the nearest point of land. While pollution is one of the impacts that are currently affecting resources, other impacts including human uses are very important. The estimated maximum potential impact to Ventura harbor is estimated at less than 3% of current ex-vessel value landed in the port. Maximum potential losses at Channel Islands harbor and Port Hueneme (also in Ventura county) are estimated to be about 3% and 10% respectively. The Department does not feel that this would unnecessarily impact vessels operating out of Ventura. In addition, potential increases in production from within the proposed MPAs are expected to defray much of this impact over time.</p>

Date	Type	Number	Comment	Response
02/08/02	Oral	19	Nature knows best, the commenter supports alternative 5.	<p>The Department disagrees that Alternative 5 best achieves the national mandate to conserve biodiversity and establish sustainable fisheries. While none of the MPA network alternatives (the preferred alternative and Alternatives 1 through 5) is expected to have negative impacts on the environment, the preferred alternative proposes the highest number of habitats at a level of 20% or more. The SAP recommendation to include at least 30% of all habitats had to be integrated with other MPA scientific and resource-user considerations to achieve the most feasible alternative. Alternative 5 is the only alternative that exceeds the SAP's minimum recommendation for total area, but it does a poorer job of representing individual habitats. Alternative 5 only represents 11 of the 17 habitats at a level of 20% or more of which 5 are represented at 30% or more. While Alternative 5 is the only alternative that incorporates an "insurance factor", this does not mean Alternative 5 environmentally superior because, among other reasons, the distribution of MPAs in multiple areas around the islands inherently limits the impacts of single events on all reserves at once (See Draft ED at p. 5-31). Various mechanisms to reduce the chance of tanker collisions (e.g. vessel traffic separation) and to mitigate oil spills (e.g. spill response plans) also already exist and provide additional insurance.</p> <p>Conversely, while the preferred alternative is not the largest in overall area, it provides representation to the highest number of habitats at a level of 20% or more of all the alternatives. The preferred alternative represents 12 of 17 habitats used by the SAP for comparison of alternatives at a level of 20% or more, of which 5 are represented at 30% or more. The project also seeks to minimize short-term socioeconomic impacts while maintaining an ecologically viable network. By effectively including more heterogenous habitats, the preferred alternative reduces the overall area subject to the proposed MPAs and therefore achieves the goal of minimizing economic impacts to a greater extent than Alternative 5. Finally, the preferred alternative is intended to function along with other management strategies to provide for sustainable resources. The preferred alternative has a higher ratio of habitat representation per dollar impact than Alternative 5 and thus is better at minimizing cost while maximizing habitat representation (a proxy for protecting species) (See Draft ED Table 6-69 at p. 6-69). Thus, using the same bases of habitat representation as a proxy for protection of species used by the SAP, the preferred alternative is actually more likely to achieve conservation of biological diversity and promotion of sustainable fisheries than other alternatives. While the Department believes that the preferred alternative best meets all the goals, including both ecological and economic objectives, and best represents habitats, the Commission will ultimately decide whether to adopt the preferred alternative or some other alternative.</p>
02/08/02	Oral	20	Supports the Preferred Alternative.	Comment Noted

Date	Type	Number	Comment	Response
02/08/02	Oral	21	The Preferred Alternative is a vast improvement over previous MPAs. The economic analysis is not complete and should include more information on benefits.	See Comment 12
02/08/02	Oral	22	The economic analysis did not adequately cover Channel Islands harbor and no one at the harbor was ever contacted.	The Department disagrees that no one was contacted at Channel Islands Harbor. The preferred alternative is the result of a long constituent involvement process that included many opportunities for input from Ventura county fishermen and public meetings in Ventura. See Comment 18
03/02/02	Written	23	Supported Alternative 5, 34% MPAs.	See Comment 19
03/07/02	Oral	24	Supported the no project alternative.	See Comment 13
03/07/02	Oral	25	Recommended a balance of socio-economic impacts.	See Comment 5
03/07/02	Oral	26	Supports the Preferred Alternative and states that economics is not everything.	Comment Noted
03/07/02	Oral	27	Opposes MPAs	Comment Noted
03/07/02	Oral	28	Stated that most targeted species are doing okay and that more funding is needed for enforcement	The Department disagrees that most species are doing okay. For the species of interest, 4 finfish are considered overfished by the Pacific Fishery Management Council and many other finfish populations have not been formally assessed but are considered to be in downward population trends, white abalone is listed as an endangered species and black abalone is proposed for listing. In the nearshore finfish complex declines have been noted in brown rockfish, copper rockfish, olive rockfish, cabezon, surfperches, and others. The potential ecological benefits of MPAs will not be realized through other management measures. The CINMS SAC is currently using its public process to discuss potential monitoring programs, develop an MPA monitoring plan, and coordinate State and Federal enforcement agencies. The SAC will use existing MPA monitoring and enforcement, such as that occurring in Florida as examples. Both the CINMS and Channel Islands National park contribute funding to help monitor resources and enforce regulations within the project area. This unique situation allows for additional patrol time and equipment in the area to help address enforcement concerns. The Department has stationed a new 54 foot enforcement vessel in Ventura that will be dedicated to the region and a second vessel in Dana Point that will have the ability to patrol the region. All of these factors will contribute to the successful implementation of the preferred alternative.
03/07/02	Oral	29	Stated a general opposition to MPAs.	Comment Noted

Date	Type	Number	Comment	Response
03/07/02	Oral	30	Stated that pelagic species are not protected by MPAs.	MPAs provide epipelagic and migratory species with limited benefits due to their migratory nature. Epipelagic and migratory species fulfill an ecosystem role within MPAs as predators on and forage for other species. However, MPAs can contribute to achieving sustainability by providing protection to epipelagic or migratory species when they are aggregated for breeding, feeding or other purposes. In addition, MPAs do not reduce the catchability of pelagic species for the same reasons that they provide limited benefits.
03/07/02	Oral	31	Stated a general opposition to MPAs.	Comment Noted
03/07/02	Oral	32	Stated that California already has lots of MPAs and questioned how MPAs protect against other factors and events than fishing.	The Department disagrees. Existing MPAs are not adequately providing for sustainable resources. As noted in the PFMC Phase I Technical Analysis of marine reserves (Parish et al. 2001), the estimated biomass of the majority of West Coast groundfish species have long-term downward trends. For example, since 1985, abundances of harvestable red urchins ( <i>Strongylocentrotus franciscanus</i> ) have declined by 1% per year at fished sites on Santa Rosa and San Miguel Islands relative to non-fished reserve sites on Anacapa Island (S. Schroeter & D. Reed, analysis of NPS data). The commercial fishery for rock crab ( <i>Cancer spp.</i> ) has localized effects on crab abundance and size. Crab fishing areas intensively exploited over an extended period show a lower catch-per-trip and reduced size frequency distribution compared to lightly exploited areas (Leet et al. 2001). Very little is known about the long term status of many other stocks, including certain invertebrates and nearshore rockfish. Effective management of marine fisheries is being attempted in an environment where there are many unknowns and uncertainties about the status of stocks and the entire ecosystem supporting them, and where failure could prevent rebuilding of overfished stocks that could lead to endangered species listings that would have dramatic negative consequences for the fisheries.
03/07/02	Oral	33	Suggested that aquaculture has potential but is expensive and recommended conservation areas as opposed to reserves.	The Preferred Alternative suggests using conservation areas in two locations. In these specific cases, allowing certain types of take is consistent with the level of protection desired. In some cases, however, no-take MPAs are more desirable due to the level of ecosystem protection necessary. Limited take areas do not allow for complete ecosystem function to the same extent as no-take.
03/07/02	Oral	34	Stated support for the Preferred Alternative at a minimum.	Comment Noted
03/07/02	Oral	35	Stated support for the Preferred Alternative at a minimum.	Comment Noted
03/07/02	Oral	36	Stated support for the Preferred Alternative at a minimum.	Comment Noted
03/07/02	Oral	37	Stated support for the Preferred Alternative	Comment Noted



<b>Date</b>	<b>Type</b>	<b>Number</b>	<b>Comment</b>	<b>Response</b>
03/07/02	Oral	38	Stated a general support for MPAs.	Comment Noted
03/07/02	Oral	39	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	40	Stated support for the Preferred Alternative at a minimum.	Comment Noted
03/07/02	Oral	41	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	42	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	43	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	44	Stated support for the Preferred Alternative at a minimum.	Comment Noted
03/07/02	Oral	45	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	46	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	47	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	48	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	49	Stated a concern that the Preferred Alternative may have adverse environmental impacts. Supported 12%, no-action, or deferring to the MLPA.	See Comments 4 and 13 regarding no-action and deferral. Alternatives 1, 2, and 3, while less likely to meet the goals and objectives of the preferred alternative, would not likely result in negative environmental impacts. Because each of these alternatives increases the area currently protected in MPAs, they would have at least minor localized benefits. Alternative 1 is not expected to meet the goals of sustaining resources or representing habitats. Certain critical habitats are excluded from this alternative and there is no representation in the far eastern side of the Islands. Similarly, Alternatives 2 and 3 lack certain critical habitats and do not adequately represent most habitats. The Commission will ultimately decide whether to adopt the preferred alternative or some other alternative.

Date	Type	Number	Comment	Response
03/07/02	Oral	50	Stated the Preferred Alternative would have too large an impact on squid fishing.	The Department disagrees. The maximum potential impact to squid fishing estimated in the socioeconomic analysis is less than 13%. This reflects the consideration for critical fishing areas, such as the southeast side of Santa Cruz Island, taken in the project development. The socioeconomic analysis also suggests that some of this potential impact can be replaced through fishing in different locations.
03/07/02	Oral	51	Stated that other fisheries management techniques were enough and need time to work.	<p>See Comment 28. In enacting the MLMA in 1998, the Legislature identified objectives that facilitate the primary fishery management goal of sustainability to include the maintenance, restoration and enhancement of marine fishery habitat, but also expressly identified other conservation and management measures. In enacting the MLPA in 1999, the Legislature expressly recognized that MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries. MPAs are considered one of many tools available to fisheries managers and are not the only tool used in the project area. However, certain ecosystem functions of MPAs can not be provided by other management measures. For example, size, season, and bag limits, do not prevent bycatch of non-target species or undersized individuals nor do they fully provide for natural predator and prey interactions. It is clear that traditional management measures alone have not been sufficient to protect groundfish and other populations. Incidental impacts of various fishing practices may also have unintended effects that would not occur in an MPA, particularly a no-take reserve. This includes both direct impacts to the environment (e.g., damage to a reef from trawling) and indirect ecosystem impacts (e.g., removing all large, old individuals and altering the size composition). MPAs by their nature provide for undisturbed habitats and act as "natural hatcheries". These facts lead to benefits in total production and export of young. The Department believes MPAs are an important and necessary component of the preferred alternative.</p> <p>In addition to fisheries-related goals, the preferred alternative is intended to address ecological goals including representing habitats and species for their intrinsic values. MPAs provide insurance for management uncertainty by providing areas where species can interact in a relatively undisturbed ecosystem. The preferred alternative contemplates the coordination of MPAs with other management measures to complete the regulatory. Fisheries management issues involving specific measures are more appropriately addressed through the FMP process. The preferred alternative attempts to address a specific set of goals and objectives, including, but not limited to, objectives to help sustain fisheries. The specific integration of MPAs into fisheries management, including reductions in overall fleet capacity, total allowable catch, and allocation between user groups is more appropriately dealt with through the FMP process. FMPs are the tool used to establish these limits. The Nearshore FMP, for example, includes the use of MPAs in the management strategy.</p>

<b>Date</b>	<b>Type</b>	<b>Number</b>	<b>Comment</b>	<b>Response</b>
03/07/02	Oral	52	Stated the Preferred Alternative would have too large an impact on squid fishing.	See Comment 50
03/07/02	Oral	53	Stated a general opposition to MPAs.	Comment Noted
03/07/02	Oral	54	Stated that benefits need to be proven prior to moving forward.	See Comment 11
03/07/02	Oral	55	Stated that there was not a problem in the area and that no scientific evidence to support closures existed.	See Comment 11
03/07/02	Oral	56	Stated that MPAs would provide the needed scientific information and insurance against other management uncertainty.	See Comment 11, The Department agrees that MPAs would provide these functions.
03/07/02	Oral	57	Stated support for the Preferred Alternative.	Comment Noted
03/07/02	Oral	58	Supported a network that minimizes economic impacts. Supported the 12% map (Alternative 1). He stated that Alternatives 1 and 3 have an unbalanced impact in the West end and that phasing should be considered.	See Comment 49. The commenter seems to recommend full habitat protection throughout the Islands, to balance impacts to the east and west. The comment seems to support the concept used in developing the Preferred alternative and larger alternatives to ensure habitat representation throughout the island chain. It also supports the Department's rationale for not choosing Alternatives 1, 2, or 3 due to their lack of complete habitat representation.
03/07/02	Oral	59	Stated support for no-action.	See Comment 13
03/07/02	Oral	60	Stated a general opposition to MPAs.	Comment Noted
03/07/02	Oral	61	Stated that traditional management measures were successful and MPAs are unnecessary.	See Comment 51
03/07/02	Oral	62	Stated that MPAs will lead to businesses closing and that existing measures work.	The Department does not feel that losses in income related to the Preferred Alternative will necessarily lead to businesses closing. The estimated impact to employment from the Preferred Alternative is expected to be a maximum of 296 jobs. These jobs may be replaced from other sources as well as potential benefits of sustainable fisheries. See also Response to Comment 51 regarding existing measures.

<b>Date</b>	<b>Type</b>	<b>Number</b>	<b>Comment</b>	<b>Response</b>
03/07/02	Oral	63	Stated that MPAs would lose support if their benefits were not demonstrated. He Supported using buffer zones of conservation areas around MPAs (similar to Alternative 2).	See Comment 49
03/07/02	Oral	64	Stated that commercial fishermen take more than sport and that the decision should be deferred to the MLPA.	The Department disagrees. While it is true that commercial fishing takes the majority of fish (by weight) of all species combined, recreational anglers also have an impact. The breakdown of catch is, in fact, much more even when looking at individual species, especially in the nearshore environment. For instance, recreational anglers take approximately 60% of all nearshore finfish (based on average landings 1994-1998). In addition, recreational anglers tend to target larger “trophy” fish that can provide significantly more reproductive potential to a population. See Comment 4 regarding deferral.
03/07/02	Oral	65	Opposed all closures	Comment Noted
03/07/02	Oral	66	Stated that the Department needs to address the enforcement issue.	See Comment 28
03/07/02	Oral	67	Stated a support for Alternative 2.	See Comment 49
03/07/02	Oral	68	Stated that there is no evidence that MPAs would improve fishing. He supported no action, folding into the MLPA, or 12%.	See Comments 4, 11, 13, and 49
03/09/02	Written	69	Supported Alternative 5, 34% MPAs.	Se Comment 19
4/3/2002	Written	70	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	71	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	72	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	73	The scientific literature supports the range of set aside suggested in the Preferred Alternative.	Comment Noted
04/04/02	Oral	74	Scientist warn about ecological disaster, supports Preferred Alternative.	Comment Noted
04/04/02	Oral	75	The Preferred Alternative is the minimum necessary.	Comment Noted
04/04/02	Oral	76	The Preferred Alternative is the minimum necessary.	Comment Noted

Date	Type	Number	Comment	Response
04/04/02	Oral	77	Supported the no-project alternative and deferring decision to the MLPA.	See Comment 4 and 13
04/04/02	Oral	78	MPAs do not work well as a fisheries management tool. They should be secondary to traditional measures.	See Comment 51
04/04/02	Oral	79	Recreational anglers are not the problem. They take only 3% of the catch compared to commercial.	See Comment 64
04/04/02	Oral	80	Though 50% is scientifically supported, 25% is now on the table. This is not sufficient to provide necessary protection.	See Comment 19
04/04/02	Oral	81	Other methods should be used first, like seasons, size limits and bag limits.	See Comment 51
04/04/02	Oral	82	Supported reserves, though to a lesser extent than in the Preferred Alternative. Suggested 15% which is similar to Alternative 2.	See Comment 49
04/04/02	Oral	83	The Commission should start small and take a progressive approach. MPAs are not needed at the level suggested.	See Comment 16
04/04/02	Oral	84	The Commenter showed video tape of decaying kelp and suggested that the environmental problems in the project area are the result of the Pac Baroness oil and copper spill.	The Department disagrees with the commenter's conclusion that the Copper concentrate contained in the wreck of the Pac Baroness is resulting in widespread environmental impacts. The Pac Baroness sank on September 21, 1987 after collision with another vessel. The Pac Baroness spilled oil and powdered copper concentrate and sank with additional copper in her holds. Initial concerns were raised over the toxicity of copper to many marine organisms. The copper concentrate carried by the Pac Baroness is relatively insoluble, and NOAA scientists predicted toxicity problems would be localized. Seafloor samples taken shortly after the spill showed significant decreases in fauna directly adjacent to the wreck site but not farther away (See Hyland, et al. 1989). A survey of the wreck conducted this year showed that both vertebrate and invertebrate life is abundant both near the wreck and directly on the ship's decks and sides (CINMS 2002).

<b>Date</b>	<b>Type</b>	<b>Number</b>	<b>Comment</b>	<b>Response</b>
04/04/02	Oral	85	Supports the no-project alternative and stated that MPAs are not necessary.	See Comment 13
04/04/02	Oral	86	Supported large MPAs in general.	Comment Noted
04/04/02	Oral	87	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	88	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	89	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	90	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	91	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	92	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	93	Supported the Preferred Alternative	Comment Noted
04/04/02	Oral	94	Supported the Preferred Alternative and suggested that the Commission not cut farther back than that.	Comment Noted
04/04/02	Written	95	Stated that recreational anglers supported the country by using fish to feed firefighters and rescue workers in New York. Opposed MPAs in general.	Comment Noted
04/04/02	Oral	96	Traditional measures work as well if not better than MPAs. Results from other areas do not take into account existing fisheries management.	See Comment 51
04/04/02	Oral	97	The Pac Baroness should be looked into as a possible cause for decline. Some reserves have only big fish and no little fish, because the big fish eat all the little fish causing a decline in populations.	See Comment 84. Changes in the trophic structure within MPAs are to be expected. As areas return to a more natural state, certain species will decline in abundance. This change is expected and will potentially have positive impacts on the abilities of various species to sustain themselves. A good example of this is seen in the existing Anacapa Island Ecological Reserve Natural Area. Within this no take MPA, purple sea urchin abundance is lower than outside, yet lobster, sheephead and giant kelp abundances are higher.
04/04/02	Oral	98	Supported the no-project alternative and stated that MPAs do not allow for the study of long range trends.	See Comment 13
04/04/02	Oral	99	Supported the minimal closure, Alternative 1, and did not want to have the right to fish revoked.	See Comments 15 and 49.

Date	Type	Number	Comment	Response
04/04/02	Oral	100	Supported the "pro-active fishermen's plan", Alternative 2.	See Comment 49
04/04/02	Oral	101	Recommends that whatever option is chosen, phasing based on both administrative and monitoring performance be used to implement. In addition the decision should be made prior to the MLPA.	The Department agrees that a decision should be made prior to the MLPA. See Response to Comment 16 regarding phasing.
04/04/02	Oral	102	Supported the Preferred Alternative.	Comment Noted
04/04/02	Oral	103	Supported the Preferred Alternative.	Comment Noted
04/04/02	Oral	104	Supported the Preferred Alternative.	Comment Noted
04/04/02	Oral	105	Stated that there is a need for monitoring in order to be able to determine the difference between MPA effects, natural cycles and fishing effects.	<p>The Department believes that adequate organizational resources exist to manage, monitor, and report on MPAs in the preferred alternative. The MLPA, with which this project must be consistent, expressly contemplates "management and enforcement measures[.]" as well as provisions for "monitoring, research, and evaluation" as program components. The Channel Islands region is unique California in that the area has benefitted, currently benefits, and is expected to continue benefitting from the resources and coordinated efforts of multiple State and federal agencies. Through existing and new MOUs the Department, CINMS, and Channel Islands National Park will assist in monitoring, enforcement, and management of these areas. Existing monitoring projects will continue to provide data on changes in various species abundances in the region. These programs will contribute to the ability of the various agencies to provide adequate monitoring. Interagency coordination will also result in more efficient use of Department resources. Department enforcement staff will develop an enforcement plan in cooperation with other public agencies where existing MOUs are in place to coordinate such efforts. Some of these agencies also provide funding through the MOUs, including the CINMS, Channel Islands National Park, NOAA Fisheries, and the United States Coast Guard. In addition to research by State and Federal agencies, other research organizations and institutions (e.g., University of California, California State Universities, and California Sea Grant Extension Program) will likely also provide research, monitoring and evaluation opportunities.</p> <p>The MRWG also made recommendations on monitoring, management, and enforcement of MPAs. The CINMS SAC is currently using its public process to discuss potential monitoring programs, develop an MPA monitoring plan, and coordinate State and Federal enforcement agencies. The SAC will use existing MPA monitoring and enforcement, such as that occurring in Florida as examples. Both the CINMS and Channel Islands National park contribute funding to help monitor resources and enforce regulations within the project area. This unique situation</p>

Date	Type	Number	Comment	Response
				allows for additional patrol time and equipment in the area to help address enforcement concerns. The Department has stationed a new 54' enforcement vessel in Ventura that will be dedicated to the region and a second vessel in Dana Point that will have the ability to patrol the region. All of these factors will contribute to the successful implementation of the preferred alternative.
04/04/02	Oral	106	Stated that increases within California reserves were not due to the reserves, but to natural cycles and that crowding didn't occur because the reserves were too small.	The Department disagrees. If the increases within existing MPAs were due to natural cycles, similar increases would be seen in areas outside MPAs. Empirical data from studies on existing MPAs do not show this. In the project area, for example, the Anacapa Island Ecological Reserve Natural Area various species have higher abundances than in fished areas nearby (S. Schroeter & D. Reed, analysis of NPS data). The Department does not expect congestion of effort outside the proposed MPAs to lead to negative environmental impacts. Effort is concentrated around existing MPAs, particularly for trap fisheries. This concentration has not led to negative impacts.
04/04/02	Oral	107	Reserves do not provide insurance. They only take away area.	The Department disagrees. The commenter compares the idea of insurance to that of auto insurance that pays back an affected party after an accident. In this case, insurance is seen as a precaution against management uncertainty. By protecting percentages of various habitats, portions of populations are necessarily protected and thus provide insurance against declines that may occur if management measures outside MPAs do not provide adequate protection. In addition, MPAs provide benefits outside their boundaries and do not simply take area away. The scientific data on MPAs show that increases in abundance within closed areas lead to significant increases in reproductive potential. The key question is whether the expected increase in export from reserves can compensate for the increased fishing pressure in non-reserve areas. If it does, fishery yields will show a net increase. The comprehensive reviews of reserves by Halpern (2002) and Palumbi (2002), suggest that production increases inside reserves are considerably larger than expected increases in take. In the case of the preferred alternative, 100% of the effort would be limited to approximately 81% of the area (with a 19% closure). The empirical data in these studies suggest that enhanced production within reserves can more than compensate for the effects of congestion outside for reserve areas as high as 50%. These conclusions are supported by empirical data outside reserves. Studies consistently show increases in species immediately outside reserves (e.g., Roberts et al. 2001; Stevens and Sulak 2002; Murawski et al. 2000; McClanahan and Kaunda-Arara 1996; Ratikin and Kramer 1996; and Russ and Alcala 1996b).



<b>Date</b>	<b>Type</b>	<b>Number</b>	<b>Comment</b>	<b>Response</b>
04/04/02	Oral	108	This should not be an issue of non-consumptive versus consumptive users as it is presented.	The Department disagrees that the issue is being presented as one of allocation. MPAs are not intended to allocated resources between groups, that is more appropriately accomplished through the Fishery Management Plan Process. The intent of MPAs is to provide for long-term sustainability of resources and to allow for study and recreation in minimally disturbed habitats. Both of these would result in benefits to both consumptive and non-consumptive users through a more stable environment and more scientific data available to managers.
04/04/02	Oral	109	Stated that this is an attempt to close random areas and limit oil drilling. It will force us to buy more oil overseas.	The Department disagrees. The project area is within the Channel Islands National Marine Sanctuary. New oil leases, drilling, and exploration are prohibited within Sanctuary waters. The Preferred Alternative would not alter that regulation.
04/04/02	Oral	110	Stated that fishermen are not the problem, but decreases were due to increased sea lion predation.	The Department disagrees that declines in marine resources are due to sea lion predation alone. While increases in marine mammal populations are listed in the Initial Statement of Reasons as one cause for changes, other human related impacts, including fishing do play a role. This is noted by the fact that certain species not preyed on by sea lions have declined as well. This includes many invertebrates as well as some finfish.
04/04/02	Oral	111	Stated that many fisheries are healthy and there is not a problem.	See Comment 28
04/04/02	Oral	112	Stated that closing 20% of the area is actually removing 80% of the fishable area.	The Department disagrees. In the socioeconomic analysis, the Preferred Alternative has a maximum potential impact of between 2.8% and 16.5% for commercial fisheries and between 11.5% and 24.6% for recreational fisheries. This analysis is based on data provided by consumptive users. Overall, the Preferred Alternative does a good job of representing habitats at more than 20%, while impacting fished areas at less than 20%. If 80% of the fishable area was encompassed, these maximum potential impacts would necessarily be higher.
04/04/02	Oral	113	Asked which fish stocks were overfished and stated that existing management was sufficient.	See Comment 28
04/04/02	Oral	114	Need to have adequate funding and enforcement to make this plan work.	See Comment 28
04/04/02	Oral	115	Stated that the Department should count bycatch when estimating total catch.	The Department agrees with this comment. Bycatch estimates are currently used when estimating total annual catch for species with annual quotas or Total Allowable Catch.

Date	Type	Number	Comment	Response
04/04/02	Oral	116	Stated that we don't know MPAs will work because we don't have something in place to compare to. Suggested that the Commission start small and see if the expected results occur.	See Comment 16
04/04/02	Oral	117	Stated that only true, empirical science should be used, not theoretical science.	See Comment 11
4/22/2002	Written	118	Supported the Preferred Alternative	Comment Noted
4/29/2002	Written	119	supports option 5 - 34% of waters	See Comment 19
5/1/2002	Written	120	supports preferred alternative	Comment Noted
5/3/2002	Written	121	Hold to planned August 2nd decision date and make the preferred alternative a reality.	Comment Noted
5/25/2002	Written	122	supports option 5	See Comment 19
08/01/02	Oral	123	Asked the Commission to look at cumulative impacts of State and Federal actions on economics of other regulations as well as Marine Protected Areas.	<p>The Department examined potential cumulative impacts when developing the preferred alternative. The Cowcod Conservation Areas were addressed in the preferred alternative, including a recommendation to reopen a portion of the area. The Pacific Fisheries Management Council's recent shelf closures occurred as an emergency action after the publication of the Initial Statement of Reasons. In the Department's view, the MLPA, Cowcod Conservation Areas, and shelf closures will not render the preferred alternative's incremental change to the existing physical conditions in and around the project area cumulatively considerable under CEQA. Moreover, the adaptive management component of the preferred alternative, as required by the Marine Life Protection Act, which includes ongoing monitoring, research and evaluation after project approval, will provide ongoing information regarding post-approval environmental conditions. This information, along with the Department's authority to recommend additional management measures to the Commission, will ensure that approval of the preferred alternative does not result in any significant cumulative impacts.</p> <p>The commenter's cumulative impacts contention rests on the notion that the MLPA, Cowcod Conservation Areas, and shelf closures are "reasonably foreseeable" under existing case law and that these projects must be included in the cumulative impacts analysis pursuant to CEQA Guidelines section 15130. (See Cal. Code Regs., tit. 14, Section 15130.) The provision of the</p>

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				guidelines cited by the commenter, however, governs cumulative impact analyses in environmental impact reports, as opposed to environmental documents prepared pursuant to a certified regulatory program. Where an agency proceeds under CEQA by way of a certified regulatory program – such as the Commission in the present case – it need not prepare a cumulative impact analysis precisely as set forth in section 15130. Instead, an agency acting pursuant to a certified regulatory program must "consider" the prospect of significant project-related cumulative impacts where relevant, although it need not prepare an "analysis as such." (Laupheimer v. State of California (1988) 200 Cal.App.3d 440, 462, 466; see also "Discussion" following CEQA Guidelines, Section 15252.) In this respect, the Department believes that the Draft Environmental Document includes meaningful consideration and assessment of potential project-related cumulative impacts, and that the analysis is adequate under CEQA, particularly where substantial evidence supports the conclusion that the preferred alternative will not result in significant cumulative impacts.
08/01/02	Oral	124	Sport fishing only takes 3 to 6% of the total compared to commercial. Fisheries like trawl should be eliminated and we wouldn't need closures. Traditional management including size limits and slot limits would be better.	See Comments 51 and 64
08/01/02	Oral	125	The commenter submitted several scientific papers that he felt supported Alternative 2 and the concept of holistic management.	See Comment 49

Date	Type	Number	Comment	Response
08/01/02	Oral	126	The commenter expressed concern for the disproportionate impact to individual fisheries, in particular the rock crab fishery.	<p>The Department does not feel that displaced effort in the red crab fishery will result in negative impacts to the environment. The commenter refers to "fisheries" in the context of commercial fishing or harvesting populations of marine fish. The Department disagrees that mitigation to such fisheries is required. "Mitigation" referenced in the Draft ED is in relation to environmental impacts to the resource, not the socioeconomic activities related to that resource.</p> <p>The commenter suggests that the two areas where the red rock crab fishery takes place are the Santa Cruz channel between Santa Rosa and Santa Cruz Islands and the North side of San Miguel Island. The maximum potential economic impact to the crab fishery for the preferred alternative is estimated at 14.8% of annual income; 5% of this economic impact is generated within the proposed Carrington Point State Marine Reserve on Santa Rosa Island. This estimate is based on input received from fishermen in the project area. Particular areas, such as the offshore area to the northeast of San Miguel Island and within the Santa Cruz Channel east of Santa Rosa Island, were excluded in order to reduce potential economic impacts to this fishery as suggested by user groups. According to the "exclusion zones" maps developed by commercial fishermen in the socioeconomic survey, the most valuable locations also include the south side of San Miguel and Santa Rosa Islands (Leeworthy and Wiley 2002). In addition, they show that the most valuable areas are farther east in the Santa Cruz channel than the MPAs proposed for that area. According to Department landing data, rock crab is caught in all blocks surrounding the northern Channel Islands. Nearly 80% of this is caught on the north side of Santa Rosa Island and the South Side of San Miguel Island. Less than 2% is caught on the north side of San Miguel Island.</p>
08/01/02	Oral	127	Cape Canaveral experience shows that closed areas have very positive impact on recreational fishing.	The Department agrees with this comment.
08/01/02	Oral	128	Even though there is no fishing allowed for Abalone they haven't recovered. This is proof that MPAs do not work.	The Department disagrees. The commenter is referring to a fisheries management measure that prohibits the take of abalone. This type of species specific regulation can not replicate the entire ecosystem protection provide by an MPA. It is, in fact, a good example of why single species protection may not function equally for the goal of rebuilding depleted stocks. Other species that interact with abalone, such as sea urchins and sheephead, are still taken in locations where abalone are protected. The interactions between all these species can not occur in an undisturbed manner unless all are protected. MPAs may, in fact, provide additional benefits that do not currently occur.

In addition, comments were received regarding the Draft Environmental Document for the preferred alternative. These comments are attached here as Volume II of the Final Environmental Document for Marine Protected Areas in NOAA's Channel Islands National Marine Sanctuary.

